

EXHIBIT B

23726.txt

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2

UNITED STATES DISTRICT COURT

3

SOUTHERN DISTRICT OF NEW YORK

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5

EMANUEL GARCIA, on behalf of himself, FLSA

6

Collective Plaintiffs and the Class,

7

Plaintiff,

8

-against- No. 16-CV-0601

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CHIPOTLE MEXICAN GRILL, INC.,

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Defendant.

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DEPOSITION OF CYNTHIA P. FLORES GARCIA

16

New York, New York

17

Tuesday, November 20, 2018

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23726.txt

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Reported by:  
Aydil M. Torres, CSR  
JOB NO. 23726

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November 20, 2018

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3:00 p.m.

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Deposition of CYNTHIA P.

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FLORES GARCIA, held at the offices

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of Lee Litigation Group, PLLC, 30

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East 39th Street, New York,

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New York, pursuant to Order, before

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Aydil M. Torres, a Notary Public of

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the State of New York.

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3 A P P E A R A N C E S:

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5 LEE LITIGATION GROUP, PLLC

6 Attorneys for Plaintiff

7 30 East 39th Street, Second Floor

8 New York, New York 10016

9 BY: C.K. LEE, ESQ.

10

11

12 MESSNER REEVES, LLP

13 Attorneys for Defendant

14 805 Third Avenue

15 New York, New York 10022

16 BY: KATHERINE OTTO, ESQ.



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19 ALSO PRESENT:

20 Jasmin Perez, Paralegal

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3 S T I P U L A T I O N S

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5 IT IS HEREBY STIPULATED AND AGREED

6 by and between the attorneys for the

7 respective parties herein, that filing,

8 sealing and the same are hereby waived.

9 IT IS FURTHER STIPULATED AND AGREED

10 that all objections, except as to the form of

11 the question, shall be reserved to the time

12 of the trial.

13 IT IS FURTHER STIPULATED AND AGREED

23726.txt

14       that the within deposition may be sworn to  
15       and signed before any officer authorized to  
16       administer an oath, with the same force  
17       and effect as if signed and sworn to before  
18       the Court.

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2       C Y N T H I A   P .   F L O R E S   G A R C I A ,

3               the witness herein, having been

4               first duly sworn by a Notary Public

5               of the State of New York, was

6               examined and testified as follows:

7                       THE REPORTER: Please state

8               your name for the record.

9                       THE WITNESS: Cynthia

10              Flores.

23726.txt

11 THE REPORTER: Please state  
12 your address for the record.

13 THE WITNESS: 48-46 40th  
14 Street -- where I'm working?

15 MR. LEE: No, no, your home  
16 address.

17 THE WITNESS: Okay. 48-46  
18 40th Street, 2nd Floor, Sunnyside,  
19 New York 11104.

20 MR. LEE: You're apartment  
21 is the second floor?

22 THE WITNESS: Yes.

23 MR. LEE: Okay. Thanks for  
24 coming in.

25 I'm just going to ask you

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6

1  
2 some questions.

3 THE WITNESS: Uh-huh.

4 EXAMINATION BY

5 MR. LEE:

6 Q. What's your full name?

7 A. Cynthia Flores Garcia.

23726.txt

8 Q. Is there a "P" somewhere in there?

9 A. Uh-huh.

10 Q. What is the "P"?

11 A. Paulette.

12 Q. Paulette.

13 A. Yeah.

14 Q. Like Paulette Goder. Do you know

15 Paulette Goder?

16 A. No.

17 Q. She is an old silent film movie

18 star from the '20s. You should check her

19 out.

20 So you currently work at

21 Chipotle --

22 A. Yes.

23 Q. -- right?

24 And do you recall an affidavit that

25 you signed a while back?

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7

1 Cynthia P. Flores Garcia

2 A. Yes.

3 Q. Okay. And the affidavit was signed

4 June 14, 2018. Is that about right?

23726.txt

5 A. Uh-huh.

6 Q. Just because we have a court  
7 reporter, she has to write down everything  
8 you are saying.

9 A. Okay.

10 Q. She is writing everything that you  
11 are saying, and so you just need to respond  
12 truthfully to my questions, okay?

13 And you are still working at  
14 Chipotle, right?

15 A. Yes.

16 Q. Did you have to get time off to do  
17 this --

18 A. I --

19 Q. -- deposition today?

20 A. I did on Thursday, but I wasn't  
21 able to get it for today, but I worked in the  
22 morning.

23 Q. Okay. Okay. And you had to get  
24 approval to take time off?

25 A. Oh, no, I just requested the day

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8

1 Cynthia P. Flores Garcia

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2 off, pretty much.

3 Q. Did you have to give them the  
4 reason?

5 A. No.

6 Q. When you signed the affidavit, do  
7 you know who made you sign it?

8 A. I don't remember exact --

9 MS. OTTO: Object to form.

10 Q. Okay. You can go ahead.

11 A. It was just two people. They came  
12 in. They spoke to a couple of people that  
13 were in the store, and then they just, you  
14 know, went through it, and asked us if  
15 everything was right, and then we signed.

16 Q. Okay. What store were you working  
17 at?

18 A. 805 Columbus.

19 Q. 805 Columbus?

20 A. Uh-huh.

21 Q. I think that's the one across the  
22 street from my apartment.

23 A. Really?

24 Q. Yeah. It's in the Upper West Side,  
25 right?

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9

1 Cynthia P. Flores Garcia

2 A. Yeah.

3 Q. And so you didn't actually write  
4 the affidavit, right?

5 A. No.

6 Q. Okay. And you didn't actually come  
7 up with the idea to write an affidavit,  
8 right?

9 A. No.

10 Q. They came to you and said, "We want  
11 you to sign this affidavit," right?

12 A. Yes.

13 MS. OTTO: Object to form.

14 Q. And then you signed it, right?

15 A. Yeah, they pretty much just --  
16 well, they asked us, first, and -- if we  
17 agreed to everything, and then we signed it.

18 Q. Okay. But you didn't write it?

19 A. No.

20 Q. Okay. And did you read the whole  
21 thing?

22 A. Yes.

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23 Q. Did you read every single sentence?

24 A. Yes.

25 Q. Did you understand everything that

10

1 Cynthia P. Flores Garcia

2 you were reading?

3 A. Yes. They were explaining to us  
4 everything, and then they asked if we had any  
5 questions, and then I -- they gave it to us  
6 to read, after it was printed.

7 Q. Did somebody speak to you about  
8 this deposition at the company before you  
9 came?

10 A. No.

11 Q. Nobody spoke to you about this  
12 deposition?

13 A. Well, I just got the letter in the  
14 mail, but I didn't know what was going on.

15 Q. And nobody at the company spoke to  
16 you about you coming out here today?

17 A. No.

18 Q. And you didn't have to tell your  
19 supervisor that you were taking time off to



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20 do a deposition for the lawsuit?

21 A. Well, she -- she was actually there

22 when I received it.

23 Q. Who's "she"?

24 A. My area manager.

25 Q. Okay.

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11

1 Cynthia P. Flores Garcia

2 A. And then she told me that it was

3 very important for me to come, but she didn't

4 say anything else.

5 Q. It was important for you to come to

6 the deposition today?

7 A. Yes.

8 Q. And they were willing to adjust

9 your schedule, so you can come here for the

10 deposition?

11 A. Yes.

12 Q. Did they tell you that you had to

13 -- you cannot -- they told you you had to

14 come today, right?

15 MS. OTTO: Object to form.

16 Q. Right?

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17 MS. OTTO: Mischaracterizes  
18 the testimony.

19 A. They -- yes.

20 Q. Okay. And --

21 MS. OTTO: Please allow me  
22 to state my objection for the  
23 record.

24 MR. LEE: You are doing it.  
25 Stop interrupting me.

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12

1 Cynthia P. Flores Garcia

2 MS. OTTO: Allow the court  
3 reporter the opportunity to take  
4 down what I'm saying.

5 MR. LEE: She is doing it.  
6 Stop interrupting me. I'm letting  
7 you object.

8 MS. OTTO: You are raising  
9 your voice. It's inappropriate.

10 MR. LEE: It's -- I'm asking  
11 questions. I have not stopped you  
12 from objecting, so go ahead and do  
13 it.

23726.txt

14 MS. OTTO: Mr. Lee, please  
15 stop raising your voice to me.

16 MR. LEE: Can you not  
17 interrupt me?

18 MS. OTTO: If you can speak  
19 at that tone of voice, I think we  
20 can proceed.

21 MR. LEE: Thank you.

22 Q. So who spoke to you about this  
23 deposition before you came?

24 A. My area manager. She was next to  
25 me when I opened it, and she told me that it

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13

1 Cynthia P. Flores Garcia  
2 was important to come here.

3 Q. Okay. Did anybody else speak to  
4 you about it?

5 A. No.

6 Q. Did anybody tell you what to say  
7 when you came here?

8 A. No.

9 Q. Which lawyer -- do you remember if  
10 it was a lawyer, or a company employee who

23726.txt

11 asked you to sign the affidavit?

12 A. I'm not sure.

13 Q. Okay. And you didn't recognize  
14 them from before, right?

15 A. No, I had never seen them.

16 Q. You had never seen them before, and  
17 they showed up at your store, and they said,  
18 "Let's sign some affidavits," right?

19 MS. OTTO: Object to form.

20 A. They just said -- yeah, they just  
21 wanted to speak to everyone.

22 Q. Okay. And then after they spoke to  
23 you, they wrote an affidavit for you, right?

24 A. Yes.

25 Q. And then you signed what they gave

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14

1 Cynthia P. Flores Garcia

2 you?

3 A. Yeah.

4 Q. Okay.

5 A. I made sure everything was right,  
6 and then I signed.

7 Q. Okay. How were you able to make

23726.txt

8 sure that everything was right?

9 A. They took a very long time to  
10 explain everything, answering questions they  
11 were asking, they, you know, they were  
12 writing it down as soon as they were asking  
13 the questions, and then they were explaining  
14 if we had any questions, you know, just to  
15 make sure everything was clear, and then they  
16 printed it, and gave me time to read through  
17 everything that was printed.

18 Q. How long did it take you to read  
19 your affidavit?

20 A. I don't remember, but I was in  
21 there a long time. Probably, like -- we were  
22 in there for, like, 30 minutes, probably.

23 Q. Okay. Was it not 15?

24 A. It was like --

25 MS. OTTO: Object to form.

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1 Cynthia P. Flores Garcia

2 A. I don't remember, exactly.

3 Q. Okay.

4 A. It was a very long time ago.

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5 Q. It could have been less than 15  
6 minutes, right?

7 MS. OTTO: Object to form.

8 A. I don't think it was.

9 Q. Was it 15 minutes?

10 MS. OTTO: Object to form.

11 A. I don't think so.

12 MS. OTTO: Asked and  
13 answered.

14 Q. How long did you spend reading your  
15 affidavit?

16 A. I don't -- I really don't remember.  
17 I just remember we were gone -- well, I sent  
18 my crew on break, and then I was doing that,  
19 so I don't remember exactly how long it was.

20 Q. Your break is usually less than 20  
21 minutes, right?

22 A. No, it's usually 30 minutes.

23 Q. Is it a paid break?

24 A. Yes.

25 Q. Okay. And so you worked at a

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1 Cynthia P. Flores Garcia

Page 17

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2 couple of different locations, right?

3 A. Yes.

4 Q. Okay. Why do you say that you were  
5 never asked to work or -- at different store  
6 locations than you were hired to work?

7 MS. OTTO: Object to form.

8 A. I -- no, basically, they told me  
9 when they were going to transfer -- well, I  
10 was asked for a couple of them -- or I think  
11 it was --

12 Q. In paragraph 3 of your affidavit  
13 you say, "I have never been asked to  
14 temporarily work at, or loaned to, a  
15 different store than the store at which I was  
16 hired to work," but you worked at multiple  
17 different stores, right?

18 MS. OTTO: Object to form,  
19 and let the record reflect the  
20 affidavit is not in front of the  
21 witness.

22 Q. You can answer.

23 A. Yeah, I just remember -- I don't  
24 remember that part, but I remember just being  
25 asked to transfer to another store.

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1 Cynthia P. Flores Garcia

2 Q. Okay.

3 A. But, yeah, it was an opportunity

4 for me as kitchen manager.

5 Q. Do you recall the names of managers

6 that you worked for?

7 A. Not all of them, but --

8 Q. Okay.

9 A. -- I might, some of them.

10 Q. Who are some of the ones that you

11 know?

12 A. That I remember -- general

13 managers?

14 Q. Any kind of managers.

15 A. The last one I worked -- Katherine

16 Rosario, Crystal -- I don't remember her last

17 name.

18 Q. You don't remember her last name,

19 right?

20 A. I believe it was Abreu, if I'm not

21 mistaken, and then Moran.

22 Q. Who?



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23 A. Zanan Moran.

24 Q. Okay.

25 A. Rocco -- him, I don't remember his

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1 Cynthia P. Flores Garcia

2 last name.

3 Q. Okay. And then do you know what  
4 positions you held?

5 A. When I was working with them?

6 Q. At Chipotle, what positions did you  
7 have?

8 A. Oh, I have been crew, kitchen  
9 manager, service manager.

10 Q. Did you ever work more than ten  
11 hours a day?

12 A. Yes.

13 Q. Did that happen frequently for you?

14 A. Not frequent.

15 Q. Okay. Do you know other employees  
16 working more than ten hours a day?

17 A. Not that I can remember.

18 Q. You don't know if people worked  
19 more than ten hours a day, right?

23726.txt

20 A. I don't think anyone has.

21 Q. Did you work more than 40 hours a  
22 week?

23 A. A couple of times, yeah.

24 Q. Do you know if other people worked  
25 more than 40 hours a week?

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19

1 Cynthia P. Flores Garcia

2 A. Yes.

3 Q. You know that other people did work  
4 more than 40 hours a week?

5 A. Yeah.

6 Q. Okay. When you worked more than a  
7 ten-hour day, did you -- what happened?

8 A. Pretty much, sometimes I would be  
9 asked by a manager to stay.

10 Q. Okay.

11 A. Or sometimes if I was a manager,  
12 and we needed to do something else, I would  
13 stay --

14 Q. Okay.

15 A. -- to do whatever we needed to do.

16 Q. But you only got paid for your ten

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17 hours right? Or eleven hours?

18 A. Yeah, for however much I worked.

19 Always, we clock in when we come in, and  
20 whenever we stop working, we clock out.

21 Q. And you didn't get paid for more  
22 than that during the days that you worked  
23 more than ten hours, right? You just got  
24 your clock in time and clock out time.

25 MS. OTTO: Object to form.

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1 Cynthia P. Flores Garcia

2 A. Just whatever I worked. So if I  
3 worked 12 hours, I would get paid for the 12  
4 hours.

5 Q. Okay. And then did you receive a  
6 pay stub?

7 A. Yes.

8 Q. Do you know what is the contents on  
9 your pay stub?

10 A. Yes.

11 Q. What's on there?

12 A. Well, pretty much, the time worked,  
13 which is within 40 hours, paid break, I

23726.txt

14 believe there is, like, if you worked over  
15 ten hours, you get paid for that too, and now  
16 with the New York City law, if there is any  
17 changes to your schedule, like, you're able  
18 to -- if you're assigned, you get, like,  
19 money for that. Like if you do -- you close,  
20 and you open the next day, you get, like,  
21 \$100 for that, so that's also on the pay  
22 stub.

23 Q. Wait. Who told you about the New  
24 York City law?

25 A. Oh, we learned about it, because we

21

1 Cynthia P. Flores Garcia  
2 have to make sure that nobody closes, and  
3 then opens the next day.

4 Q. So if you close, and then open the  
5 next day, you get an extra \$100?

6 A. Pretty much, yeah.

7 Q. What does "pretty much" -- it's  
8 either "yes" or "no." It's not "pretty much."

9 A. Well, yeah.

10 Q. Okay. Is there a name for that

23726.txt

11 pay?

12 Is it just open and closing pay or

13 something, or --

14 A. I am not sure of what the name is.

15 Q. Okay.

16 A. I just know it says, like,

17 "scheduled" --

18 Q. But you're not supposed to get

19 that.

20 You are not supposed to do that,

21 right?

22 They -- I assume they don't want

23 people to close and then open the next day?

24 MS. OTTO: Object to form.

25 A. They just want to make sure that

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22

1 Cynthia P. Flores Garcia

2 all the people working are, you know, rested

3 well, and they don't --

4 Q. Okay.

5 A. So it's just, again, the New York

6 City law. Or New York State law, if I am not

7 mistaken.

23726.txt

8 Q. Are you an attorney?

9 You're not an attorney, right?

10 A. No.

11 Q. So who told you about the New York  
12 City law?

13 A. We learned about it. I believe  
14 that happened a year ago, just to make sure  
15 that, you know, if anyone -- there's  
16 schedules changing, less hours, or more  
17 hours, just to make sure everyone has a fair  
18 schedule.

19 Q. So, again -- but my question was,  
20 what was the information on your paycheck?  
21 What are they?

22 A. I mean, that's just everything that  
23 we get paid for.

24 Q. Can you list it out?

25 A. Yeah.

♀

23

1 Cynthia P. Flores Garcia

2 Q. List out what information is on  
3 your pay stub.

4 A. Well, it has hours that we worked,

23726.txt

5 paid break, again, if we worked --

6 Q. The "paid" what?

7 A. The paid break.

8 Q. Okay. What else?

9 A. If we worked over ten hours, if we  
10 do anything, like, open or close.

11 Q. Open or close, all right.

12 A. Yeah, and then it has all your  
13 other information in the whole year, and what  
14 the taxes get taken out for.

15 Q. Okay. Do you ever recall getting a  
16 notice when you first started working?

17 A. Notice --

18 MS. OTTO: Object to form.

19 A. -- about what?

20 Q. Just any kind of notice when you  
21 first started working.

22 MS. OTTO: Object to form.

23 A. When I first started working, no.

24 Q. Do you know what the "crew  
25 handbook" is?

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1 Cynthia P. Flores Garcia

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2 A. Yes.

3 Q. What is that?

4 A. Pretty much, it just has all the  
5 information important to Chipotle, and pretty  
6 much rules of what the crew members could do.

7 Q. Are you a manager now?

8 A. Yes.

9 Q. You're a manager now, right?

10 A. Yes.

11 Q. You're a service manager?

12 A. Yes.

13 Q. Upper East Side?

14 A. No, in the Upper West.

15 Q. You're a service manager in the  
16 Upper West Side?

17 A. Yes, Upper West.

18 Q. I'm going to drop in and have a  
19 meal and say hi to you.

20 A. Yeah.

21 Q. What do you think?

22 A. I will be there.

23 Q. Do you know what the timekeeping  
24 and time punch policies are?

25 A. Yes.



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1 Cynthia P. Flores Garcia

2 Q. Okay.

3 A. Pretty much, just, again, as soon  
4 as you -- as you start working, you clock in,  
5 and whenever you go on break, you clock out  
6 for break, when you come back from break, you  
7 clock back in from break, and whenever you  
8 stop working, you clock out.

9 Q. You're actually a manager, right?

10 So you know more about the policies  
11 than your typical crew person would know,  
12 right?

13 A. Uh-huh.

14 Q. You need to say "yes" or "no."

15 A. Yes.

16 Q. And so you help the company  
17 implement the policies --

18 A. Yes.

19 Q. -- right, that they set for  
20 employees, right?

21 A. Yes.

22 Q. Now, when you were just a crew

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23 member, were you aware of all these policies,  
24 or did you know them better when you became a  
25 manager?

26

1 Cynthia P. Flores Garcia

2 MS. OTTO: Object to form.

3 A. Well, I knew about this -- again,  
4 every time somebody gets hired, we have  
5 orientation, and we go through the handbook,  
6 so they explain everything to you, and I  
7 guess it's just, once you become a manager,  
8 you're really more aware of, like, okay, make  
9 sure that everything is running fine. You're  
10 actually keeping track of everyone clocking  
11 in and clocking out.

12 Q. So that's your job? Your job is to  
13 track peoples' hours and make sure they're  
14 properly clocked in and out?

15 A. Yes.

16 Q. Okay. And were you aware of the  
17 punch in, punch out system where they would  
18 automatically punch people out after a  
19 certain time at the stores?

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20 A. Yes.

21 Q. And you recall that happening,

22 right?

23 A. Yes.

24 Q. And do you know what time it would

25 automatically clock people out?

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1 Cynthia P. Flores Garcia

2 A. When I started working, it was at

3 3:00 p.m. -- sorry, 3:00 a.m.

4 Q. Okay. At which store?

5 A. That was at Upper East Side.

6 Q. Okay. So is it 3:00 at all stores,

7 or did it vary?

8 A. No, I guess it was because of the

9 time zone, but now it's at 12:30. I'm not

10 sure --

11 Q. Right now the automatic clock out

12 is 12:30?

13 A. Yes.

14 Q. At your Upper West Side store?

15 A. I believe that's every Chipotle.

16 Q. Every Chipotle?

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17 A. Yes.

18 Q. Around the nation, or just in New

19 York?

20 A. I'm not sure.

21 Q. Okay. But you, just, in your

22 mind --

23 A. I'm pretty sure it's around the

24 nation.

25 Q. Okay, thank you.

♀

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1 Cynthia P. Flores Garcia

2 And so if you worked past 12:30,

3 then you're automatically clocked out, right?

4 A. Yes.

5 Q. Then your hours are not counted for

6 your working hours, right?

7 MS. OTTO: Object to form.

8 A. Your manager makes sure that

9 everything gets fixed before you leave.

10 Q. It has to be done manually?

11 A. Yes.

12 Q. But the manager is not going to be

13 there, right?

23726.txt

14           A.    Yeah, there is always a manager  
15       closing. So the manager makes sure that  
16       before they leave, the time is fixed in the  
17       system, or sometimes -- it depends.  
18       Sometimes people just -- they know if they're  
19       working past 12:30, they would make sure they  
20       clock back in and -- at 12:30, and then they  
21       continue working.

22           Q.    Okay. Now, because it's such an  
23       additional manual process, is it possible  
24       that people aren't getting paid for that  
25       automatic clocked out time period?

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1                   Cynthia P. Flores Garcia

2                   MS. OTTO: Object to form.

3           A.    I don't believe so. Usually --  
4       well, based on the stores that I have worked,  
5       we usually leave before, like, 12:00, so that  
6       doesn't really happen.

7           Q.    Okay. But there are people who  
8       work past 12:30?

9           A.    I believe so.

10          Q.    And in order for them to get paid,

23726.txt

11 they would have to remember to clock back in  
12 or tell the manager to pay them the extra  
13 time?

14 A. The manager would automatically do  
15 it.

16 Q. What if the manager doesn't  
17 remember?

18 MS. OTTO: Object to form.

19 A. We would still do it the next day.  
20 We always keeping track of everyone, and we  
21 actually do get e-mails. If somebody works  
22 past -- it says they clocked out 12:30, that  
23 means they were auto clocked out, and then we  
24 get e-mails to make sure that gets fixed for  
25 the crew member or manager.

♀

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1 Cynthia P. Flores Garcia

2 Q. Okay. But if the manager doesn't  
3 do anything, then that person would not get  
4 paid, right?

5 A. I believe so, yeah.

6 Q. Okay. Now, you don't work with  
7 other managers, right? You just work with

23726.txt

8 your own team?

9 A. Well, yeah, my own team.

10 Q. You have your own team, and you're  
11 supervising them. You don't work with  
12 other --

13 A. Well, I have other managers in the  
14 store, but not other managers from other  
15 stores.

16 Q. Okay, okay. When the two people  
17 came in to speak with you to tell you to sign  
18 the affidavit, was that on company time?

19 MS. OTTO: Object to form.

20 A. Yes.

21 Q. And it was during your shift?

22 A. Yes.

23 Q. Okay. How many people did they  
24 speak to?

25 A. I believe it was probably around

♀

31

1 Cynthia P. Flores Garcia

2 three or four.

3 Q. Okay. And all three or four people  
4 signed the affidavit that were given to them?

23726.txt

5 A. I believe so.

6 Q. Okay. And there was nobody who --  
7 who said, "I don't want to sign it," right?

8 A. No, not that I know of.

9 Q. But people only signed it, because  
10 the people came in to ask them to sign it,  
11 right?

12 MS. OTTO: Object to form.

13 A. They just asked to speak to us, and  
14 if somebody didn't want to speak to them,  
15 they did not speak to them. There was  
16 somebody who preferred not to speak to them.  
17 Well, he didn't speak English, so he --

18 Q. Well, he couldn't speak to them,  
19 because he didn't speak English.

20 A. Yeah, but they could have had a  
21 translator, but he decided not to, so just  
22 whoever wanted to speak to them, they were  
23 able to speak to them.

24 Q. Why did you feel obligated to speak  
25 to them?

⊕

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1 Cynthia P. Flores Garcia

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23726.txt

2 MS. OTTO: Objection to  
3 form.

4 A. I didn't feel obligated. I just,  
5 you know, I just wanted to know what they  
6 needed, and then I spoke to them to see what  
7 -- why they were there.

8 Q. Well, you could have just not done  
9 anything, right, and just continued with your  
10 work, right?

11 A. I guess, yeah.

12 Q. Okay. Why did you feel compelled  
13 to have to spend the time, listen to them,  
14 answer their questions, and then review the  
15 document?

16 MS. OTTO: Object to form.

17 A. I mean, it was just -- I know it  
18 was something with, like, working off the  
19 clock, and, you know, whatever questions they  
20 were asking, so I just wanted to know what I  
21 really needed -- I guess, in a way, I could  
22 help with just --

23 Q. Well, you were helping them defend  
24 a lawsuit, right?

25 MS. OTTO: Object to form.

23726.txt

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33

1 Cynthia P. Flores Garcia

2 A. Not help.

3 Q. Were you aware of that?

4 A. I just knew that they were there  
5 talking about that.

6 Q. Were you aware that they were there  
7 to ask you to help them defend a lawsuit?

8 A. No, I just knew that they were  
9 there to speak about timekeeping process.

10 Q. They didn't tell you that your  
11 affidavit would be submitted to help them  
12 defend a wage lawsuit from another employee,  
13 right?

14 A. I really don't remember. It was a  
15 very long time ago.

16 Q. And you don't know that, right?

17 A. I knew about it.

18 Q. What did you know?

19 A. I knew -- well, I actually do  
20 remember now, getting a notice in the mail  
21 about it.

22 Q. Okay. But they didn't tell you,

23726.txt

23 when they spoke to you, that your affidavit,  
24 that they asked you to sign, is going to be  
25 used to defend against a lawsuit from another

♀

34

1 Cynthia P. Flores Garcia

2 employee, right?

3 MS. OTTO: Object to form.

4 A. I actually think they did, but,  
5 again, I'm not too sure what --

6 Q. Okay. And you wanted your  
7 affidavit to be used to defend Chipotle's  
8 lawsuit against another employee?

9 MS. OTTO: Object to form.

10 A. I mean, I didn't -- I didn't think  
11 about it. I was just there to answer their  
12 questions.

13 Q. Okay. But you signed the  
14 affidavit?

15 A. Yes.

16 Q. You didn't just answer questions.  
17 You signed an affidavit, right?

18 A. Yes.

19 MS. OTTO: Object to form.

23726.txt

20 Argumentative.

21 Q. You wanted the affidavit to be used  
22 to defend Chipotle against wage claims by  
23 other employees?

24 MS. OTTO: Object to form.

25 Argumentative, and asked and

35

1 Cynthia P. Flores Garcia

2 answered.

3 A. I'm not sure.

4 Q. Is an apprentice below or above you  
5 in rank?

6 A. Above.

7 Q. "Above"?

8 A. Uh-huh.

9 Q. Okay. What's a "restaurateur"?

10 A. It's pretty much the title that  
11 general managers get once they create, pretty  
12 much, like, a perfect team. It's just, like,  
13 based on Chipotle culture. It's kind of,  
14 like, a promotion for a general manager, but  
15 they're still general manager.

16 Q. So you track your own hours, right?

23726.txt

17 A. Yes.

18 Q. And so there wouldn't be any  
19 instance why you would have an issue with  
20 your own hours, right?

21 A. No.

22 MS. OTTO: Object to form.

23 Q. Okay. And there wouldn't be any  
24 instance where you would need to raise or  
25 report any issues regarding your own

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36

1 Cynthia P. Flores Garcia  
2 timekeeping, because you're a manager, right?

3 MS. OTTO: Form.

4 A. Well, if I have any -- let's say if  
5 I don't -- if I come and I don't clock out,  
6 or if I forget, somebody there, another  
7 manager would be able to fix my time. We're  
8 not allowed to fix our own time.

9 Q. But another service manager as  
10 yourself, right?

11 A. It could be -- it has to be either  
12 service or higher.

13 Q. Okay. So what's the "aloha

23726.txt

14 system"?

15 A. That's pretty much the computer in  
16 the front where we have the transactions for  
17 the cashiers, and we are also there to clock  
18 in and clock out. Clock out for break and  
19 clock in for break.

20 Q. And does it give you a receipt?

21 A. Yes.

22 Q. What does the receipt do?

23 A. It just tells you when you clock  
24 in. It just tells you the time that you  
25 clocked in, and when you clock out. It tells

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37

1 Cynthia P. Flores Garcia  
2 you how many hours you worked, the time you  
3 clock in, the time you clock out, and how  
4 many hours that was.

5 Q. So when they spoke to you  
6 originally about the affidavit, you didn't  
7 know anything about the lawsuit, right?

8 You -- they just asked you the  
9 question, and you answered to the best of  
10 your ability, right?

23726.txt

11 A. I believe I had seen something in  
12 the mail about it.

13 Q. Okay.

14 A. But I don't remember anyone  
15 speaking to me, actually.

16 Q. Okay. And you don't remember the  
17 claims at the time that you were talking to  
18 them about the affidavit, right?

19 MS. OTTO: Objection to  
20 form.

21 A. I don't -- I don't remember. That  
22 was -- again, that was a very long time ago,  
23 so I don't --

24 Q. Well, do you know what the claims  
25 are of this person that's suing?

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1 Cynthia P. Flores Garcia

2 A. I believe -- I just know it's  
3 something about working off the clock. But I  
4 am not sure, exactly, what it was.

5 Q. Okay. And do you know if he -- do  
6 you know if he -- do you know if he's  
7 bringing the lawsuit just for himself?



23726.txt

8 A. I don't know.

9 Q. Okay. Do you know what the word  
10 "perjury" means?

11 A. No.

12 Q. Okay. It's all right.  
13 Do you know what the word "coerced"  
14 means?

15 A. No.

16 MS. OTTO: Object to form.

17 MR. LEE: I have no other  
18 questions.

19 MS. OTTO: I have a few  
20 question.

21 MR. LEE: Oh, I'm sorry.  
22 Actually, I just want to finish. I  
23 forgot one thing. I want to submit  
24 this as an exhibit.

25 Q. So just to confirm, I'm showing the

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1 Cynthia P. Flores Garcia  
2 witness what's being marked as Plaintiff's  
3 Exhibit 1, and this is your signature at the  
4 back page?



23726.txt

5 A. Yes.

6 Q. Right. And this affidavit is your

7 affidavit, right?

8 A. Uh-huh.

9 Q. You need to say, "yes" or "no."

10 A. Yes.

11 (Plaintiff's Exhibit 1,  
12 Affidavit, marked for  
13 identification, as of this  
14 date.)

15 MS. OTTO: Mr. Lee, are you  
16 done with your questions?

17 MR. LEE: Yeah, go ahead. I  
18 never got your name.

19 MS. OTTO: Katherine Otto.  
20 Hello, my name is Katherine  
21 Otto. I am a lawyer that  
22 represents Chipotle.

23 BY MS. OTTO:

24 Q. You and I have never met before; is  
25 that right?

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1 Cynthia P. Flores Garcia

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23726.txt

2 A. Correct.

3 Q. Okay. And so just now, a document  
4 has been placed in front of you that's marked  
5 as Exhibit 1; is that right?

6 A. Correct.

7 Q. And you looked through, and you  
8 identified your signature on this document;  
9 is that right? On the very last page, page  
10 9.

11 A. Yes.

12 Q. Okay. And so before this was  
13 placed in front of you a moment ago, Mr. Lee  
14 was asking you questions, correct?

15 A. Correct.

16 Q. And you did not have this document  
17 in front of you when he was asking those  
18 questions; is that right?

19 A. Correct.

20 Q. Were you ever provided a copy of  
21 your declaration, in between the time that  
22 you received the notice of your deposition,  
23 and today?

24 A. No.

25 Q. Okay. So is the last time that you

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1 Cynthia P. Flores Garcia

2 saw this document, when you signed it in your  
3 store?

4 A. Yes.

5 Q. Do you remember if you were given a  
6 copy of it at that time?

7 A. I don't think I was.

8 Q. Okay. So -- but how did you find  
9 out that your deposition was being requested  
10 in this case?

11 A. I just got a notice in the mail at  
12 work.

13 Q. You received something in the mail  
14 addressed to you at the store where you work?

15 A. Yes.

16 Q. Is that 805 Columbus Avenue?

17 A. Correct.

18 Q. And do you remember when that was?

19 A. I believe that was, maybe, three  
20 weeks ago.

21 Q. When you received that notice, what  
22 did you do?

23726.txt

23           A.   Well, I opened it, and I -- then, I  
24           just read through it, and I knew it was about  
25           this, then I requested for the time off.

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1                   Cynthia P. Flores Garcia

2           Q.   Did you contact anyone, any  
3           attorney, or any other person whose  
4           information was on the notice you received  
5           about your deposition?

6           A.   No.

7           Q.   How did you make arrangements to be  
8           here today at this time?

9           A.   Today -- well, I just told them I  
10          wasn't able to make it to work until a  
11          certain time, and then I just came here after  
12          work.

13          Q.   Who did you tell that you weren't  
14          able to make it?

15          A.   My general manager.

16          Q.   Okay. So the notice that you  
17          received to show up today had today's time  
18          and date; is that right?

19          A.   No, it was for Thursday.

23726.txt

20 Q. Okay. And so who did you tell that  
21 you weren't able to make it to last  
22 Thursday's deposition?  
23 A. My general manager.  
24 Q. Anyone else?  
25 A. Oh, my area manager was there when

♀

43

1 Cynthia P. Flores Garcia  
2 I opened it.  
3 Q. Did you call anyone at this office?  
4 A. No.  
5 Q. Have you spoken to anyone at this  
6 office about your deposition?  
7 A. No, I just came in on Thursday, and  
8 they just told me it was rescheduled.  
9 Q. So you actually came here last  
10 Thursday?  
11 A. Yes.  
12 Q. And what were you told?  
13 A. That -- I believe that it was -- I  
14 don't remember. It was just they told me it  
15 was -- it had to be rescheduled.  
16 Q. Okay. And did they offer today and

23726.txt

17 this time to reschedule it?

18 A. Yes.

19 Q. In between the time that you  
20 received the notice that someone wanted to  
21 depose you, and today, you hadn't seen a copy  
22 of this -- of your declaration; is that  
23 right?

24 A. Correct.

25 Q. Now, it's in front of you, and I

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1 Cynthia P. Flores Garcia  
2 want to go through it in a little bit more  
3 detail, so let's turn, again, to page 9.

4 And that's your signature, right?

5 A. Yes.

6 Q. And it says here that this was  
7 executed on June 14, 2018, New York, New  
8 York.

9 Does that sound right to you?

10 A. Yes.

11 Q. You believe you signed this  
12 document at your store at 805 Columbus  
13 Avenue?

23726.txt

14 A. Correct.

15 Q. All right. If you turn to page 8  
16 of this document in front of you, paragraph  
17 33, let's just read through this together.  
18 Paragraph 33 says, "I have completed this  
19 declaration voluntarily of my own freewill  
20 and am choosing to do so because it is true  
21 and correct." Let's stop right there.

22 When you signed this document, you  
23 had read through it; is that right?

24 A. Correct.

25 Q. And you testified, when Mr. Lee was

45

1 Cynthia P. Flores Garcia  
2 asking you questions, that some people were  
3 there and gave you some information about  
4 this document, and you heard all of that  
5 information, and read this document before  
6 you signed it, correct?

7 A. Correct.

8 MR. LEE: I am just  
9 objecting to your entire line of  
10 questions. You're asking leading

23726.txt

11 answers. You're asking leading  
12 questions.

13 MS. OTTO: Sure.

14 MR. LEE: I will ask that  
15 the entire line of questioning be  
16 stricken, but go ahead.

17 MS. OTTO: Okay.

18 Q. All right. And so when Mr. Lee was  
19 asking you questions, you testified that you  
20 had read the document, and that you had read  
21 this information; is that correct?

22 A. Correct.

23 MR. LEE: Again, objection.

24 Q. Do you need to take a moment to  
25 read through this document, and refresh your

♀

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1 Cynthia P. Flores Garcia  
2 recollection about all that's in it?

3 A. Yeah.

4 Q. Take your time. We will sit here.  
5 We have as much time as we need.

6 MR. LEE: Let's break and  
7 let us know when she finishes.



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8 (Whereupon, a recess was  
9 taken at 3:43 p.m.)

10 (Time noted: 3:52 p.m.)

11 Q. We took a break, so that you can  
12 review this document.

13 MR. LEE: Sorry, how long  
14 was the break for the review?

15 (Whereupon, a discussion was  
16 held off the record at this time.)

17 Q. We took a break, so you could  
18 review this document. It is 3:52. So you  
19 had about 9 minutes to review this.

20 Were you able to read the document?

21 A. Yes.

22 Q. And during the time that you were  
23 reading the document, Mr. Lee left the room;  
24 is that right?

25 A. Correct.

♀

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1 Cynthia P. Flores Garcia

2 Q. Did you and I have any interaction  
3 at all while he was out of the room?

4 A. No.

23726.txt

5 Q. Okay. His assistant was also  
6 present in the room while you were reading  
7 the document; is that right?

8 A. Yes.

9 MR. LEE: She is not an  
10 "assistant," but you can go on.

11 MS. OTTO: I'm sorry, what's  
12 your name?

13 MS. PEREZ: Jasmin.

14 MS. OTTO: What's your role?

15 MS. PEREZ: Paralegal.

16 MS. OTTO: Paralegal.

17 Very nice to meet you,  
18 Jasmin.

19 Q. After reading this document, is  
20 there anything in this document that you need  
21 to correct, or that is inaccurate, or untrue?

22 A. No.

23 Q. Let's put the document aside for  
24 just a moment. Have you ever had your  
25 deposition taken before?

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1 Cynthia P. Flores Garcia

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23726.txt

2 A. No.

3 Q. Okay. So this is a new process for  
4 you; is that right?

5 A. Yes.

6 Q. Mr. Lee didn't go over any ground  
7 rules with you, but let me share some of  
8 those ground rules for you, that will make my  
9 questions easier for both of us to get  
10 through.

11 I'm going to ask questions, you're  
12 going to give an answer, and he may or may  
13 not have an objection. He will state the  
14 objection, and he is entitled to do that, and  
15 you are to go ahead and answer the  
16 question --

17 MR. LEE: I'm sorry, I think  
18 on your cross, you are only  
19 supposed to ask questions related  
20 to questions that I have asked.

21 MS. OTTO: Not in a  
22 deposition.

23 MR. LEE: You're not doing  
24 your own deposition. Otherwise,  
25 you are paying for your own

23726.txt

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1 Cynthia P. Flores Garcia

2 deposition transcript.

3 MS. OTTO: Actually --

4 MR. LEE: I called the

5 deposition. It's not your

6 deposition. It's my deposition.

7 If you want to do a separate

8 deposition, you can subpoena her

9 separately.

10 MS. OTTO: Mr. Lee, I am

11 entitled to this examination, and

12 the Court is going to permit me to

13 lay ground rules for the deponent,

14 especially of a witness that hasn't

15 been deposed before.

16 MR. LEE: You are only

17 supposed to ask questions that are

18 related to my questions. That's

19 what a "cross" is.

20 MS. OTTO: I am going to

21 call the Judge.

22 MR. LEE: Go ahead.

23726.txt

23 MS. OTTO: Stay on the  
24 record for this.

25 MR. LEE: What kind of

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1 Cynthia P. Flores Garcia  
2 ground rules are you talking about  
3 that you have to instruct her? I  
4 told her, "I'm asking you some  
5 questions," right? She's going to  
6 answer truthfully. Like, what else  
7 is there? Like, what else do you  
8 want to tell her?

9 MS. OTTO: This is improper  
10 colloquy in front of the witness.  
11 Let's call the Court.

12 MR. LEE: What else do you  
13 want to tell her? Just tell her.  
14 Tell me what you want to tell her.

15 MS. OTTO: Talking to her  
16 about --

17 MR. LEE: But it's not  
18 appropriate.

19 COURT CLERK: Judge Parker's

23726.txt

20 chamber.

21 MS. OTTO: Hi, this is  
22 Katherine Otto. I am calling in  
23 the Garcia matter. We have a  
24 deposition underway and a question  
25 that's come up. I was hoping that

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1 Cynthia P. Flores Garcia  
2 the Judge may have time to speak  
3 with us briefly.

4 COURT CLERK: Unfortunately,  
5 the Judge is unavailable. If you  
6 want to put a request in writing, I  
7 could get it in short order, but I  
8 can't guarantee when he would be  
9 available to respond.

10 MS. OTTO: Sure. How would  
11 you like me to get you the written  
12 request?

13 COURT CLERK: You send it to  
14 Judge Parkers chamber's e-mail.

15 MS. OTTO: I will do that  
16 right now. Thank you so much.

23726.txt

17 COURT CLERK: Thank you.

18 MS. OTTO: We can go off the  
19 record while I send this e-mail.

20 MR. LEE: She told you to  
21 send something in writing. She is  
22 not in.

23 MS. OTTO: She said she was  
24 not available, not that she's not  
25 in. And my understanding, from her

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1 Cynthia P. Flores Garcia  
2 representation, if we send it to  
3 her, she can get that to the Judge,  
4 or you can just let me lay the  
5 ground rules, and we can proceed  
6 with the deposition.

7 MR. LEE: Why don't you just  
8 tell me what you're trying to tell  
9 her? I already told you --

10 MS. OTTO: That if she  
11 doesn't understand a question, that  
12 she can say, "stop and rephrase."  
13 Simple ground rules that are --

23726.txt

14 MR. LEE: Fine, go ahead.

15 But I don't know why --

16 fine, go ahead. Knock yourself

17 out.

18 MS. OTTO: Mr. Lee, please

19 don't interrupt me when I'm

20 speaking. We have a court

21 reporter --

22 MR. LEE: You're talking to

23 me and I'm responding.

24 MS. OTTO: You just

25 interrupted me again. The court

♀

53

1 Cynthia P. Flores Garcia

2 reporter needs to get a clear

3 transcript of what's happening in

4 this proceeding and I am simply

5 trying to preserve the record.

6 Q. Back to my questions, and some

7 ground rules that should make it easier for

8 everyone. You are to answer the question,

9 even if there is an objection posed, unless

10 someone instructs you not to answer. That



23726.txt

11 hasn't happened yet today, and I don't think  
12 it will happen, but that's a ground rule.

13 If you don't understand a question  
14 that I have asked, you can tell me, and I  
15 will rephrase it. Can you do that?

16 A. Yes.

17 Q. Okay. And if you answer a question  
18 that I have asked, unless you tell me you  
19 don't understand it, I will expect that you  
20 do understand it; is that fair?

21 A. Yes.

22 Q. Okay. It's also important, when  
23 I'm asking questions, and you are giving  
24 answers, that we give our court reporter the  
25 opportunity to take down everything that

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1 Cynthia P. Flores Garcia  
2 we're saying.

3 If we talk too fast, or talk over  
4 each other, or interrupt each other, it can  
5 make her job very difficult. So if I ask you  
6 to slow down, or ask you to repeat an answer,  
7 it's not because I'm being rude, it's because

23726.txt

8 I want to make sure she gets a clear record  
9 of what we're saying, okay?

10 A. Okay.

11 Q. At the beginning of this  
12 deposition, you raised your hand, and you  
13 were sworn under oath; is that right?

14 A. Yes.

15 Q. Did you understand what that meant?

16 A. Yes.

17 Q. Tell me.

18 A. Pretty much, I just have to make  
19 sure everything I am saying is -- that I'm  
20 saying nothing more than the truth.

21 Q. Okay. When you signed this  
22 declaration, did you understand that you  
23 needed to be truthful in the statements that  
24 were in this declaration?

25 A. Yes.

♀

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1 Cynthia P. Flores Garcia

2 Q. Mr. Lee asked you a question -- he  
3 asked you if you knew what the word "perjury"  
4 meant.

23726.txt

5 Do you remember that question?

6 A. Yes.

7 Q. Okay. Do you have a general  
8 understanding of what "perjury" means?

9 A. Not really.

10 Q. Do you know what it means to be  
11 "under oath"?

12 A. I -- I'm not 100 percent sure.

13 Q. Do you know the difference between  
14 telling the truth and telling a lie?

15 A. Yes.

16 Q. Are you telling the truth in your  
17 testimony today?

18 A. Yes.

19 Q. Were you telling the truth in the  
20 statements that you signed off on this  
21 declaration?

22 A. Yes.

23 Q. And you understood what that meant,  
24 right?

25 A. Yes.

♀

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1 Cynthia P. Flores Garcia

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23726.txt

2 Q. Mr. Lee also asked you if you knew  
3 what the word "coerced" meant.

4 Do you remember that question?

5 A. Yes.

6 Q. And if I remember your testimony,  
7 it was that you do not know what that word  
8 means; is that right?

9 A. Yes.

10 Q. Do you know what it means to be  
11 "pressured" into giving an answer?

12 A. Yes.

13 Q. Do you know what it means to be  
14 "threatened" into giving an answer or  
15 something --

16 A. Yes.

17 Q. Do you know what it means to be  
18 "retaliated" against?

19 A. Yes.

20 Q. Do you know what it means to be  
21 "promised" something in exchange for doing  
22 something?

23 A. Yes.

24 Q. Did any of those things happen  
25 regarding the declarations that you signed

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1 Cynthia P. Flores Garcia

2 off on, that we have been talking about  
3 today?

4 A. No.

5 Q. Mr. Lee asked you a lot of  
6 questions about when you signed this  
7 document, and when people were in your store,  
8 and I want to make sure that I am clear. Did  
9 anyone tell you that you had to sign this  
10 document?

11 A. No.

12 Q. Did anyone tell you that if you  
13 didn't listen to these people that were in  
14 your store, and the information that they  
15 had, that you would be punished or retaliated  
16 against in any way?

17 A. No.

18 Q. Mr. Lee also asked you some  
19 questions about the automatic clock out time  
20 around the nation, and I want to make sure I  
21 understand what your testimony is.

22 Can you testify with certainty what

23726.txt

23 the clock out -- automatic clock out time is  
24 for every Chipotle store?

25 A. Yes, 12:30.

58

1 Cynthia P. Flores Garcia

2 Q. 12:30. Do you know when that  
3 changed?

4 A. I'm not sure.

5 MR. LEE: Objection.

6 A. It was a couple of years ago.

7 Q. Okay. Your earlier testimony, when  
8 Mr. Lee was asking you questions, was that at  
9 one point in time that automatic clock out  
10 was 3:00 a.m.; is that right?

11 A. Yes.

12 Q. And do I understand your testimony,  
13 that at some point in time, that changed to  
14 12:30 a.m.?

15 A. Yes.

16 Q. But you don't remember, exactly,  
17 when that was?

18 A. No.

19 Q. You mentioned during Mr. Lee's

23726.txt

20 questions, that you received a notice in the  
21 mail about the lawsuit, and I want to draw a  
22 distinction between the notice about the  
23 lawsuit, and the notice about your  
24 deposition.

25 Are those two separate documents?

8  
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59

1 Cynthia P. Flores Garcia

2 A. Yes.

3 Q. Tell me about the first one you  
4 received.

5 A. The first one -- it was a very long  
6 time ago. It was probably over a year, maybe  
7 two years ago, and it just spoke about the  
8 case, working off the clock, but I don't  
9 remember very much about it. Again, it was,  
10 like, maybe two years ago.

11 Q. Do you remember who the notice came  
12 from?

13 A. No. I believe it was Chipotle, but  
14 I am not too sure.

15 Q. Okay. Other than that first notice  
16 that you received a couple of years ago, did

23726.txt

17 you have any other information about the  
18 lawsuit?

19 A. I just knew about it, but I wasn't  
20 -- I wasn't too sure what was going on.

21 Q. And Mr. Lee asked you a lot of  
22 questions about why you signed this  
23 declaration. What was the reason that you  
24 listened to the people when they were in your  
25 store that day, about the information in the

♀

60

1 Cynthia P. Flores Garcia  
2 declaration?

3 A. They just came in and asked  
4 questions, so -- well, they were talking  
5 about what was going on, so I just wanted to  
6 answer their questions to, you know, see, I  
7 guess, how I could help, or just speak about  
8 my experience at Chipotle.

9 Q. Mr. Lee also asked you questions  
10 about your timekeeping, because you were a  
11 service manager, and one of his questions was  
12 whether you kept track of your own time, and  
13 managed your own hours. Do you remember that



23726.txt

14 questioning?

15 A. Yes.

16 Q. Before you were a service manager,  
17 you were a crew member; is that right?

18 A. I was a kitchen manager, and before  
19 that, I was a crew member.

20 Q. So when you were a crew member, did  
21 -- how were your hours managed when you were  
22 a crew member?

23 A. Pretty much, again, if I forget to  
24 clock out -- clock in or clock out, I would  
25 go to the manager and my time would be fixed.

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61

1 Cynthia P. Flores Garcia

2 Q. And so this declaration that you  
3 signed -- it is in front of you, if you want  
4 to look at it -- but on the first page -- and  
5 this is what you reviewed on the break -- it  
6 talks about when you started working as a  
7 crew member on the Upper East Side, and then  
8 promoted to service manager, right?

9 A. To kitchen, and then service, yeah.

10 Q. All of these statements that you

23726.txt

11 made about your pay, and what your experience  
12 has been at Chipotle, that would imply the  
13 entire time you worked at Chipotle, even when  
14 you were a crew member; is that right?

15 A. Correct.

16 Q. Did you ever have hour or clock in,  
17 clock out issues when you were a crew member?

18 A. As a crew member, no.

19 Q. If you had, who would you have  
20 reported those to?

21 A. Any manager.

22 Q. Has anyone made any promises to you  
23 about your testimony today?

24 A. No.

25 Q. Has anyone threatened or pressured

♀

62

1 Cynthia P. Flores Garcia

2 you about your testimony today?

3 A. No.

4 MS. OTTO: Those are all the  
5 questions I have, subject to  
6 redirect, to the extent that it  
7 goes beyond redirect.

23726.txt

8 BY MR. LEE:

9 Q. What if a person didn't get along  
10 with their manager, if they believed that  
11 their time was not being accurately kept, how  
12 would they get their time fixed?

13 MS. OTTO: Object to form.

14 A. I mean, we -- we don't only have  
15 one manager, we have a lot of managers. So  
16 if you didn't want to, you know -- I guess,  
17 feel comfortable with one manager, there  
18 would be other managers to ask.

19 Q. And that's the only option, talking  
20 to the managers at the store, right?

21 MS. OTTO: Object to form.

22 A. The manager -- you could always  
23 refer back to the area manager, or there's a  
24 Chipotle hotline for the workplace, if you  
25 feel uncomfortable.

♀  
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1 Cynthia P. Flores Garcia

2 Q. Okay, thanks.

3 MS. OTTO: I have no further  
4 questions.

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5 -oOo-

6 (Whereupon, the examination  
7 of CYNTHIA P. FLORES GARCIA was  
8 adjourned at 4:06 p.m.)

9

10

11

12

13 CYNTHIA P. FLORES GARCIA

14

15

16 Subscribed and sworn to  
17 before me this day  
18 of , 2018.

19

20 NOTARY PUBLIC

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22

23

24

25

♀  
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2 ----- I N D E X -----

3

4 WITNESS EXAMINATION BY PAGE

5 CYNTHIA P. FLORES GARCIA

6 MR. LEE 6, 62

7 MS. OTTO 39

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11

12 ----- EXHIBITS -----

13

14 PLAINTIFF'S FOR ID.

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16 1 Affidavit 39

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18 (Exhibits retained by reporter.)

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C E R T I F I C A T E

3

4 STATE OF NEW YORK )  
5 : ss.  
6 COUNTY OF NEW YORK )

6

7 I, AYDIL M. TORRES, a Notary Public  
8 within and for the State of New York, do  
9 hereby certify:

10 That CYNTHIA P. FLORES GARCIA, the  
11 witness whose deposition is hereinbefore set  
12 forth, was duly sworn by me and that such  
13 deposition is a true record of the testimony  
14 given by the witness.

15 I further certify that I am not  
16 related to any of the parties to this action  
17 by blood or marriage, and that I am in no way  
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto  
20 set my hand this 20th day of November, 2018.

21

22

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24

AYDIL M. TORRES

25

♀  
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DEPOSITION ERRATA SHEET

3

Our Assignment No. 23726

4

Case Caption: EMANUEL GARCIA vs. CHIPOTLE

5

MEXICAN GRILL, INC.

6

7

DECLARATION UNDER PENALTY OF PERJURY

8

9

I declare under penalty of perjury

10

that I have read the entire transcript of my

11

Deposition taken in the captioned matter or

12

the same has been read to me, and the same is

13

true and accurate, save and except for

14

changes and/or corrections, if any, as

15

indicated by me on the DEPOSITION ERRATA

16

SHEET hereof, with the understanding that I

17

offer these changes as if still under oath.

18

19

23726.txt

20 Signed on the \_\_\_\_\_ day of

21 \_\_\_\_\_, 20\_\_\_\_.

22 \_\_\_\_\_

23 CYNTHIA P. FLORES GARCIA

24

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♀  
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DEPOSITION ERRATA SHEET

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24 SIGNATURE:\_\_\_\_\_DATE:\_\_\_\_\_

25 CYNTHIA P. FLORES GARCIA

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2 DEPOSITION ERRATA SHEET

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24 SIGNATURE:\_\_\_\_\_DATE:\_\_\_\_\_

25 CYNTHIA P. FLORES GARCIA

